

REMARKS

This paper is filed in response to the Office Action mailed on May 18, 2005. Currently, Claims 1-14 are pending in the application. Of these, Claims 1, 2, 13, and 14 are rejected. Claims 3-12 are indicated to be allowable other than being objected to as being dependent upon a rejected base claim. Reconsideration of Claims 1, 2, 13, and 14 is respectfully requested.

The Rejection of Claims 1, 2, 13, and 14 Under 35 U.S.C. § 102(b)

Claims 1, 2, 13, and 14 are rejected under 35 U.S.C. § 102(b) as being anticipated by Desimone et al. (U.S. Patent No. 2,399,991). Claim 1 recites a "clip aperture communicating through said clip between said interior surface and said exterior surface," and "said exterior surface of said clip between said clip aperture and said leading edge *dimensioned to create a low air pressure area immediately adjacent to said clip aperture when moving air travels over said leading edge.*" Claims 2, 13, and 14 depend from Claim 1. For a reference to be anticipatory, the reference must exactly describe the claimed invention. Applicant submits that Desimone et al. does not anticipate Claims 1, 2, 13, and 14.

The invention defined by Claim 1 includes the limitation wherein the exterior surface of the clip between the aperture and the leading edge of the clip is "dimensioned to create a low air pressure area immediately adjacent to the clip aperture when moving air travels over the leading edge, whereby air flow exhausting from said eye cavity through said side venting aperture is enhanced by the force of said low pressure area." The specification states that the structure at the leading edge of the clip has an aerodynamic shape, or curve, immediately in front of the clip aperture to increase air speed over the clip aperture in the direction of the trailing edge of the clip, much like the curved front edge of a wing on an airplane increases the air speed over the top of the wing. Please see page 14, lines 10-18, of the present application. Desimone et al. describes goggles having an eye cup adapted to fit the face of the wearer. The eye cup has baffled outlet passages for the air on the outside of the eye cup. The baffles are added to the eye cup to provide a zigzagging path to permit the flow of air but effectively prevent any stray light from entering the eye cup through the openings. The outlet passages are covered with a shield 16 constructed so that stray light will not enter the eye cup and interfere with the work of a welder.

The Examiner has indicated that the shield 16 of the Desimone et al. goggles is analogous to the clip of Claim 1. Applicant submits the shield 16 of Desimone et al. is not exactly like the clip of the invention. The goggles of Desimone et al. do not appear to have been dimensioned to create a low pressure area immediately adjacent to the clip aperture when moving air travels over

the leading edge. Where applicant's clip defines a "curved" dimension, Figure 2 of Desimone et al. shows the shield 16 lying flat from fore and aft. Figure 4 of Desimone et al. shows a slight bowing of shield 16 from top to bottom. However, applicant submits the slight bowing of shield 16 from top to bottom does not lead to producing a low air pressure area since the flow pattern of air would be from fore to aft, not top to bottom. Additionally, Desimone et al. does not teach or remotely suggest this feature of Claim 1. The goggles of Desimone et al. do not appear capable and are not described as being suitable for sports involving motion. The goggles of Desimone et al. appear to be designed for use by a welder. Please see Col. 2, lines 29-33.

For a reference to be anticipatory, the reference must exactly describe the claimed invention. Because, at the very least, Desimone et al. does not teach or suggest the exterior surface of the clip dimensioned to create a low pressure area immediately adjacent to a clip aperture when moving air travels over the leading edge, the Desimone et al. reference is not anticipatory.

Accordingly, the withdrawal of the rejection of Claims 1, 2, 13, and 14 is respectfully requested.

The Amendment to Claims 1, 2, 3, and 5-14 and the Specification

Claims 1, 2, 3, and 5-14 have been amended to correct typographical errors or to improve the stylistic form of the claims, and have not been amended in response to the rejection or for any reason that is related to the patentability of the amended claims.

The specification has been amended to correct several typographical errors. No new matter is being added.

Allowable Subject Matter

Claims 3-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant notes with appreciation the indication by the Examiner that Claims 3-12 are allowable over the prior art.

CONCLUSION

In view of the foregoing remarks, applicant respectfully submits that Claims 1-14 are in condition for allowance. If the Examiner has any further questions or comments, the Examiner may contact the applicant's attorney at the number provided below.

Respectfully submitted,

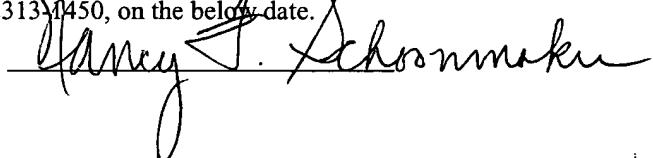
CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



Laura A. Cruz
Registration No. 46,649
Direct Dial No. 206.695.1725

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date: 8/5/05



LXC:ejh/nfs

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100